



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,213	07/28/2000	John C. Pederson	N47.2-9256	3769

7590 12/12/2001

Vidas Arrett & Steinkraus
Edwin E Voight II Esq
6109 Blue Circle Drive
Suite 2000
Minnetonka, MN 55343-9185

EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT PAPER NUMBER

2632

DATE MAILED: 12/12/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Jan

Office Action Summary

Application No.

09/628,213

Applicant(s)

PEDERSON, JOHN C.

Examiner

Julie Lieu

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-21, 23 and 25 is/are rejected.
- 7) ☒ Claim(s) 7, 22 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5, 6 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hall (US Patent No. 5,585,783).

Claim 1:

Hall discloses a warning light comprising:

- a. A first panel 22
- b. A plurality of LED light sources 16 connected to the first panel 22, the LEDs constructed and arranged for transmission of a light signal from the front, the LEDs receiving power from a power source.
- c. A protector 24 connected to the panel for covering the LED light sources, the protector constructed and arranged to permit light passage through the protector.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 2-6, 9-21, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (US Patent No. 5,585,783).

Claim 2:

Hall fails to disclose using reflector. However, the use of reflector positioned adjacent to a light source to allow brighter and focused illumination is conventional in the art. Therefore, it would have been obvious to one skilled in the art to use a reflector in the warning light in Hall for that purpose.

Claim 3:

The Hall warning light further includes a controller IC U1 in electric communication with the LED sources.

Claims 4-5:

The claim second panel and how it is structured and arranged to connect to the first panel lack criticality because the function of the warning light would not thereby be modified so long as the light sources still go through.

Claim 6:

The light in Hall uses battery housed with the device. However, one skilled in the art would have readily recognized using a plug-in adapter in the light of Hall if desired because the plug-in adaptor would allow for connection of the light to the power source only when desired.

Claim 8:

The power source in Hall comprises a battery.

Claims 9, 12, 13, 14, 15, 16:

The claimed culminator cups being used as reflectors would not constitute an inventive step because one of ordinary skill in the art would have readily recognized using culminator cups as reflectors in the Hall warning light because they are conventional in the art. The type or configuration of the reflectors only constitutes a choice in design.

One skilled in the art would also have readily recognized that the culminator cups are to be arranged in a linear array because the LED light sources in Hall are arranged in linear array.

Claims 10, 17, and 18:

The controller U1 in Hall is in electric communication with the LED light sources and being constructed and arranged to selectively and independently activate the LED light sources

Art Unit: 2632

thereby producing more than two different types of visually distinct warning light signals (continuous, flashing, or rotating.) Fig. 5.

Claim 11:

There is a circuit board as shown in fig. 4 in constructed and arranged to position the LED light sources.

Claims 19-20:

The use of colored LEDs is conventional in the art. Therefore, it would have been obvious to one skilled in the art to use multi-colored LEDs in the warning light of Hall for because the use of multi-colored LEDs in a warning light would create effective signals, e.g. red, yellow, and green.

Claim 21:

The light signal in Hall is selected from the group consisting of: revolving light, pulsating light, an alternating light, an oscillating light, a flashing light, a modulated light, and any combination thereof.

Claim 23:

In the Hall warning light, more than two different types of light signals are produced independently of each other.

Claim 25:

The LED light sources in the Hall warning light are disposed in a single row.

Art Unit: 2632

Allowable Subject Matter

5. Claims 7, 22, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 703-308-6738. The examiner can normally be reached on Mon-Thursday, 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 703-305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Julie Lieu
Primary Examiner
Art Unit 2632

jl
December 10, 2001